



27 SEP 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Michael D. Braunstein
Lerner, David Littenberg, Krumholz & Mentlik, LLP
600 South Avenue West
Westfield, NJ 07090-7866

In re Application of

Rougan et al.

Serial No.: 10/529,406

PCT No.: PCT/IB03/02076

Int. Filing Date: 18 April 2003

Priority Date: 19 April 2002

Attorney's Docket No.: REGIM 3.3-043

For: PEPTIDES CAPABLE OF INDUCING
ATTRACTION OF THE AXONAL GROWTH
AND THEIR USE FOR TREATING
NEURODEGENERATIVE DISEASES

DECISION ON
PETITION
UNDER 37 CFR 1.137(b)

This decision is responsive to the "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)" filed 29 March 2005.

BACKGROUND

On 18 April 2003, applicants filed international application PCT/IB03/02076, which claimed priority of an earlier European application filed 19 April 2002. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 30 October 2003. Accordingly, the thirty-month period for paying the basic national fee for the national stage or for filing a continuation, divisional or continuation-in-part in the United States expired at midnight on 19 October 2004.

On 29 March 2005, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the combined declaration and power of attorney, the petition to revive and authorization to charge the deposit account for the basic national fee. These papers were assigned Application No. 10/529,406.

DISCUSSION

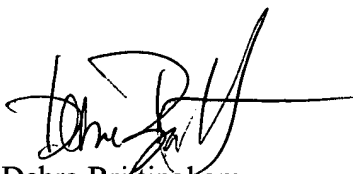
A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional delay must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied (1) by a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional," (2) by a proper reply, (3) by the petition fee required by law (37 CFR 1.17(m)), and (4) if the international filing date of the application is before June 8, 1995, any petition to revive under 37 CFR 1.137(b) must be accompanied by a terminal disclaimer and small entity fee of \$55

A review of the application reveals that all of the requirements for revival under 37 CFR 1.137(b) have been satisfied. With respect to (1), applicant filed the proper statement. With respect to (2), applicant paid the basic national fee. With respect to (3), applicant filed the proper petition fee.

CONCLUSION

The petition to revive the application abandoned under 35 U.S.C. 371(d) is GRANTED for purposes of filing a national stage application in the United States.

This application is being forwarded to the national stage office for further processing in accordance with this decision.



Debra Brittingham
PCT Special Programs Examiner
Office of PCT Legal Administration



Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration

Tel: (571) 272-3280
Fax: (571) 273-0459